

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

ZOYA KOSMAN, M.D.)

Physician's and Surgeon's)

Certificate No. A82420)

Respondent.)

Case No. 800-2018-046406

**DENIAL BY OPERATION OF LAW
PETITION FOR RECONSIDERATION**

No action having been taken on the petition for reconsideration, filed by Zoya Kosman, M.D., and the time for action having expired at 5 p.m. on February 1, 2019, the petition is deemed denied by operation of law.

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9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 800-2018-046406

14 **ZOYA KOSMAN, M.D**
15 **4057 Suffield Ct.**
Skokie IL 60076-1946

DEFAULT DECISION
AND ORDER

16 **Physician's and Surgeon's Certificate No. A**
17 **82420**

[Gov. Code §11520]

18 Respondent.

19
20 **FINDINGS OF FACT**

21 1. On or about November 14, 2018, Complainant Kimberly Kirchmeyer, in her official
22 capacity as the Executive Director of the Medical Board of California (Board), Department of
23 Consumer Affairs, filed Accusation No. 800-2018-046406 against ZOYA KOSMAN, M.D
24 (Respondent) before the Medical Board of California.

25 2. On or about March 26, 2003, the Medical Board of California issued Physician's and
26 Surgeon's Certificate No. A 82420 to Respondent. The Physician's and Surgeon's Certificate

1 expired on August 31, 2018, and has not been renewed. (Exhibit Packet, Exhibit 1¹:
2 Certificate of Licensure.)

3 3. On or about April 2, 2018, Respondent pled guilty to making a false statement and
4 representation of material fact for use in determining the right to a federal benefit in violation of
5 42 U.S.C. Section 408 (3) in criminal case number 16 CR 403 in the United States District Court,
6 Northern District of Illinois, Eastern Division. Specifically, Respondent was convicted of making
7 a false statement regarding a patient's eligibility to receive a federal disability benefit.
8 Respondent listed various patient complaints and symptoms and functional abilities knowing that
9 the patient had not reported these complaints, symptoms, and functional abilities. Respondent
10 submitted these false statements to the Social Security Administration. Furthermore, Respondent
11 submitted additional false statements to the Illinois Department of Human Services. Based on
12 Respondent's unprofessional conduct and conviction, the Illinois Division of Financial and
13 Professional Regulation ordered that Respondent's Illinois license not be renewed. (Exhibit
14 Packet, Exhibit 2, Illinois Division of Financial and Professional Regulation Order (Illinois
15 Order).)

16 4. On or about June 28, 2018, the Illinois Division of Financial and Professional
17 Regulation issued an Order (Illinois Order). The Illinois Order found that Respondent had
18 engaged in unprofessional conduct and ordered that her Illinois medical license not be renewed.
19 (Exhibit Packet, Exhibit 2, Illinois Division of Financial and Professional Regulation Order
20 (Illinois Order).)

21 5. On or about November 14, 2018, an employee of the Board, served by Certified and
22 First Class Mail a copy of the Accusation No. 800-2018-046406, Statement to Respondent,
23 Notice of Defense, Request for Discovery, Government Code sections 11507.5, 11507.6, and
24 11507.7, a Manual of Model Disciplinary Orders and Model Disciplinary Guidelines, and
25 Uniform Standards for Substance Abusing Licensees to Respondent's address of record with the
26

27
28 ¹ The evidence in support of this Default Decision and Order is submitted herewith as the
"Exhibit Packet."

1 Board, which was and is 4057 Suffield Ct. Skokie IL 60076-1946 (Exhibit Packet, Exhibit 3,
2 Accusation, related documents and Declaration of Service.)

3 6. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c).

5 7. On or about December 3, 2018, the aforementioned documents were returned by the
6 U.S. Postal Service marked "Unable to Forward." (Exhibit Packet, Exhibit 4, U.S. Postal Service
7 Returned Envelope.)

8 8. On November 30, 2018, an employee of the Attorney General's Office served by
9 Certified and First Class mail addressed to Respondent at 4057 Suffield Ct. Skokie IL 60076-
10 1946 a Courtesy Notice of Default. The Courtesy Notice of Default with a copy of the
11 Accusation and Notice of Defense advised Respondent that she was in default; that she should
12 take immediate action and file a Notice of Defense; and cautioned her that a decision would be
13 rendered by the Board without hearing if she did not take action. (Exhibit Packet, Exhibit 5
14 Courtesy Notice of Default and Declaration of Service.)

15 STATUTORY AUTHORITY

16 9. Business and Professions Code section 118 states, in pertinent part:

17 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
18 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
19 order of a court of law, or its surrender without the written consent of the board, shall not, during
20 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
21 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
22 provided by law or to enter an order suspending or revoking the license or otherwise taking
23 disciplinary action against the license on any such ground."

24 10. Government Code section 11506 states, in pertinent part:

25 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
26 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
27 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
28 right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

1 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
2 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 800-
3 2018-046406.

4 11. California Government Code section 11520 states, in pertinent part:

5 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
6 agency may take action based upon the respondent's express admissions or upon other evidence
7 and affidavits may be used as evidence without any notice to respondent."

8 12. Section 2305 of the Code states:

9 "The revocation, suspension, or other discipline, restriction or limitation imposed by
10 another state upon a license or certificate to practice medicine issued by that state, or the
11 revocation, suspension, or restriction of the authority to practice medicine by any agency of the
12 federal government, that would have been grounds for discipline in California of a licensee under
13 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action
14 for unprofessional conduct against the licensee in this state."

15 13. Section 141 of the Code states:

16 "(a) For any licensee holding a license issued by a board under the jurisdiction of the
17 department, a disciplinary action taken by another state, by any agency of the federal government,
18 or by another country for any act substantially related to the practice regulated by the California
19 license, may be a ground for disciplinary action by the respective state licensing board. A
20 certified copy of the record of the disciplinary action taken against the licensee by another state,
21 an agency of the federal government, or another country shall be conclusive evidence of the
22 events related therein.

23 "(b) Nothing in this section shall preclude a board from applying a specific statutory
24 provision in the licensing act administered by that board that provides for discipline based upon a
25 disciplinary action taken against the licensee by another state, an agency of the federal
26 government, or another country."

27 14. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on

1 Respondent's express admissions by way of default and the evidence before it, contained in the
2 Exhibit Packet, Exhibits 1, 2, and 3, 4, and 5, finds that the allegations in Accusation No. 800-
3 2018-046406 are true.

4 **DETERMINATION OF ISSUES**

5 Pursuant to the foregoing Findings of Fact, Respondent's conduct, and the actions of the
6 Illinois Division of Financial and Professional Regulation, constitute cause for discipline within
7 the meaning of Business and Professions Code sections 2305 and 141 (a).

8 **DISCIPLINARY ORDER**

9 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 82420, heretofore
10 issued to Respondent ZOYA KOSMAN, M.D, is **REVOKED**.

11 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
12 written motion requesting that the Decision be vacated and stating the grounds relied on within
13 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
14 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

15 This Decision shall become effective on February 1, 2019, at 5:00p.m.

16 It is so ORDERED January 2, 2019

17 
18 _____
19 Kimberly Kirchmeyer, Executive Director
20 FOR THE MEDICAL BOARD OF CALIFORNIA
21 DEPARTMENT OF CONSUMER AFFAIRS

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO NOVEMBER 14, 2018
BY: Rebecca M. Hest ANALYST

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**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 800-2018-046406

**Zoya Kosman, M.D
4057 Suffield Ct.
Skokie IL 60076-1946**

ACCUSATION

**Physician's and Surgeon's Certificate
No. A 82420,**

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about March 26, 2003, the Medical Board issued Physician's and Surgeon's Certificate Number A 82420 to Zoya Kosman, M.D (Respondent). The Physician's and Surgeon's Certificate expired on August 31, 2018, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides, in part, that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code provides that the Board shall take action against a licensee who is charged with unprofessional conduct.

6. Section 2305 of the Code states:

“The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.”

7. Section 141 of the Code states:

“(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

“(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a

1 disciplinary action taken against the licensee by another state, an agency of the federal
2 government, or another country.”

3 **CAUSE FOR DISCIPLINE**

4 **(Discipline, Restriction, or Limitation Imposed by Another State)**

5 8. On or about June 28, 2018, the Illinois Division of Financial and Professional
6 Regulation issued an Order (Illinois Order). The Illinois Order found that Respondent had
7 engaged in unprofessional conduct and ordered that her Illinois medical license not be renewed.
8 The circumstances are as follows:

9 9. On or about April 2, 2018, Respondent pled guilty to making a false statement and
10 representation of material fact for use in determining the right to a federal benefit in violation of
11 42 U.S.C. Section 408 (3) in criminal case number 16 CR 403 in the United States District Court,
12 Northern District of Illinois, Eastern Division. Specifically, Respondent was convicted of making
13 a false statement regarding a patient’s eligibility to receive a federal disability benefit.
14 Respondent listed various patient complaints and symptoms and functional abilities knowing that
15 the patient had not reported these complaints, symptoms, and functional abilities. Respondent
16 submitted these false statements to the Social Security Administration. Furthermore, Respondent
17 submitted additional false statements to the Illinois Department of Human Services. Based on
18 Respondent’s unprofessional conduct and conviction, the Illinois Division of Financial and
19 Professional Regulation ordered that Respondent’s Illinois license not be renewed.

20 10. Respondent’s conduct as set forth above in paragraphs 8 through 9, and the actions of
21 the Illinois Division of Financial and Professional Regulation, as set forth in the Illinois Order,
22 constitute unprofessional conduct within the meaning of section 2305 and conduct subject to
23 discipline within the meaning of section 141(a). The Illinois Order is attached as Exhibit A.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Medical Board of California issue a decision:

27 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 82420,
28 issued to Respondent;

- 1 2. Revoking, suspending or denying approval of Respondent's authority to supervise
2 physician assistants and advanced practice nurses;
3 3. Ordering Respondent, if placed on probation, to pay the Board the costs of probation
4 monitoring; and
5 4. Taking such other and further action as deemed necessary and proper.
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7 DATED:

8 November 14, 2018

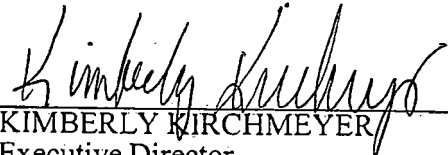

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL)	
REGULATION of the State of Illinois, Complainant)	
v.)	No. 2016-05486
Zoya Kosman, M.D.)	
License No. 036-097367,)	
Respondent)	

ORDER

This matter having come before the Director of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois after a Notice of Intent to Refuse to Renew the Illinois Physician and Surgeon License No. 036-097367 of Respondent, Zoya Kosman, M.D., was served upon her at her last known address to the Department, and Respondent failed to timely file a request for a hearing.

NOW, THEREFORE, I, JESSICA BAER, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION of the Department of Financial and Professional Regulation of the State of Illinois, find:

1. Respondent, Zoya Kosman, M.D., is a holder of Illinois Physician and Surgeon License No. 036-097367, which is presently in inactive status
2. On April 2, 2018, Respondent plead guilty of violation of 42 U.S.C. Section 408(3) (making and causing to be made a false statement and representation of material fact for use in determining the right to a federal benefit) in the Criminal Case No. 16 CR 403 in the United States District Court, Northern District of Illinois, Eastern Division. (See Department's Exhibit A, attached hereto and made a part of this Order. Respondent's aforementioned Plea of Guilty is grounds for the Department to Refuse to Renew

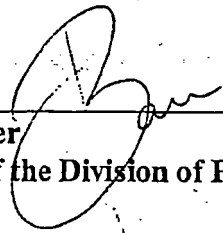
Respondent's Illinois Physician and Surgeon License in violation of Section 60/22
(A)(3) of the Illinois Medical Practice Act.

3. I have jurisdiction over the parties and subject matter herein pursuant to 20 ILCS
2105/2105-15 and 225 ILCS 60/22.

It IS ORDERED that Zoya Kosman, M.D., Illinois Physician and Surgeon License No. 036-
097367 SHALL NOT BE RENEWED as of the date of this ORDER

DATED THIS 28 DAY OF June, 2016.

**DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION of the State of Illinois
DIVISION OF PROFESSIONAL REGULATION**



Jessica Baer
Director of the Division of Professional Regulation

REF: License No. 036-097367/Case No. 2016-05486

FILED

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

APR 12 2018
J-2-2018
JUDGE ANDREA WOOD
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

ZOYA KOSMAN

No. 16 CR 403

Judge Andrea R. Wood

PLEA AGREEMENT

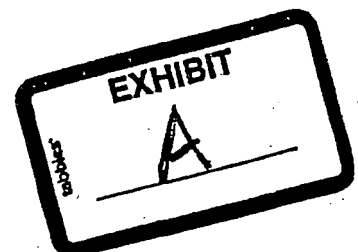
1. This Plea Agreement between the United States Attorney for the Northern District of Illinois, JOHN R. LAUSCH, JR., and defendant ZOYA KOSMAN, and her attorney, STEVEN SHANIN, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The parties to this Agreement have agreed upon the following:

Charge in This Case

2. The indictment in this case charges defendant with making and causing to be made a false statement and representation of material fact for use in determining the right to a federal benefit, in violation of Title 42, United States Code, Section 408(a)(3).

3. Defendant has read the charge against her contained in the indictment, and that charge has been fully explained to her by her attorney.

4. Defendant fully understands the nature and elements of the crime with which she has been charged.



Charge to Which Defendant Is Pleading Guilty

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the indictment, which charges defendant with making and causing to be made a false statement and representation of material fact for use in determining the right to a federal benefit, in violation of Title 42, United States Code, Section 408(a)(3).

Factual Basis

6. Defendant will plead guilty because she is in fact guilty of the charge contained in the indictment. In pleading guilty, defendant admits the following facts and that those facts establish her guilt beyond a reasonable doubt:

On or about July 31, 2012, in Skokie, in the Northern District of Illinois, Eastern Division, defendant did knowingly make and caused to be made a false statement and representation of material fact for use in determining the right to a federal benefit, namely, Claimant A's right to receive federal disability benefits, in that defendant was a physician and submitted and caused the submission of false medical and other evidence to the Illinois Department of Human Services in connection with Claimant A's application for federal disability benefits, listing reported patient complaints, symptoms, and functional abilities of Claimant A, when defendant knew that Claimant A did not report these complaints, symptoms, and functional abilities, in violation of Title 42, United States Code, Section 408(a)(3).

Specifically, the Social Security Act established a number of programs, including the Social Security Disability Insurance program, designed to provide for the material needs of disabled individuals and their families. Under the Social Security Act, disability was generally defined as the inability to engage in substantial gainful activity by reason of any medically determinable physical or mental impairment that had lasted, or could be expected to last, for a continuous period of not less than twelve months.

The Social Security Administration, an agency of the United States, administered the Social Security Disability Insurance program. The Social Security Administration delegated authority to the Illinois Department of Human Services to make determinations about the eligibility of Illinois residents to receive federal disability benefits. In making disability determinations, the Illinois Department of Human Services requested evidence from acceptable medical sources, including a disability claimant's treating physician, about the claimant's purported medical impairment and its effect on the claimant's ability to work on a sustained basis. If the Illinois Department of Human Services found that a treating physician's opinion about the nature and severity of a disability claimant's impairment was well-supported by medically acceptable evidence and not inconsistent with other substantial evidence in the claimant's record, the Illinois Department of Human Services would generally give that treating physician's opinion controlling weight.

Defendant was a physician who practiced in the field of psychology. Defendant was licensed to practice medicine in the State of Illinois and operated a medical office in Skokie, Illinois. Claimant A was an Illinois resident who, unbeknownst to defendant, was a cooperating source for law enforcement. Defendant agreed to help Claimant A obtain federal disability benefits, even though defendant knew that Claimant A was not disabled. In or around June 2012, an application for Social Security Disability Insurance benefits was submitted to the Social Security Administration on Claimant A's behalf. On or about July 31, 2012, in support of Claimant A's disability application, defendant submitted copies of medical progress notes purportedly documenting medical appointments with Claimant A to the Illinois Department of Human Services. Along with these medical progress notes, defendant also submitted a functional capacity report to the Illinois Department of Human Services, in which she attested that Claimant A "can't work at the present time due to severe depression, anxiety, worries, inability to tolerate stresses, poor concentration, inability to follow instructions, fatigue, and medical conditions." The medical progress notes and functional capacity report set forth statements and representations of material fact about Claimant A's reported complaints, symptoms, and functional abilities that defendant knew were false.

Maximum Statutory Penalties

7. Defendant understands that the charge to which she is pleading guilty carries the following statutory penalties:

a. A maximum sentence of 10 years' imprisonment. This offense also carries a maximum fine of \$250,000. Defendant further understands that the Court also may impose a term of supervised release of not more than three years.

b. In accordance with Title 18, United States Code, Section 3013, defendant will be assessed \$100 on the charge to which she has pled guilty, in addition to any other penalty imposed.

Sentencing Guidelines Calculations

8. Defendant understands that in determining a sentence, the Court is obligated to calculate the applicable Sentencing Guidelines range, and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a), which include: (i) the nature and circumstances of the offense and the history and characteristics of the defendant; (ii) the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; (iii) the kinds of sentences available; (iv) the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct; and (v) the need to provide restitution to any victim of the offense.

9. For purposes of calculating the Sentencing Guidelines, the parties agree on the following points, except as specified below:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the November 2016 Guidelines Manual.

b. **Offense Level Calculations.**

i. The base offense level is six, pursuant to Guideline § 2B1.1(a)(2).

ii. It is the government's position that the offense level is increased by two levels, pursuant to Guideline § 3B1.3, because the defendant abused a position of public or private trust, or used a special skill, in a manner that significantly facilitated the commission or concealment of the offense. Defendant reserves the right to dispute this enhancement.

iii. If the Court determines at the time of sentencing that defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for her criminal conduct within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested financial information relevant to her ability to satisfy any fine that may be imposed in this case, a two-level reduction in the offense

level will be appropriate. The government reserves the right to take whatever position it deems appropriate at the time of sentencing with respect to whether defendant has accepted responsibility within the meaning of Guideline § 3E1.1(a).

c. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts now known to the government, defendant's criminal history points equal zero, and defendant's criminal history category is I.

d. **Anticipated Advisory Sentencing Guidelines Range.** Therefore, based on the facts now known to the government, it is the government's position that if the Court determines defendant has not accepted responsibility, pursuant to Guideline Section 3E1.1(a), then the anticipated offense level is 8, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of 0 to 6 months' imprisonment, in addition to any supervised release, fine, and restitution the Court may impose. If, however, the Court determines defendant has accepted responsibility, pursuant to Guideline Section 3E1.1(a), it is the government's position that the anticipated offense level is 6, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of 0 to 6 months' imprisonment, in addition to any supervised release, fine, and restitution the Court may impose. Defendant reserves the right to dispute the sentencing guidelines range.

e. Defendant and her attorney and the government acknowledge that the above guidelines calculations are preliminary in nature, and are non-binding predictions upon which neither party is entitled to rely. Defendant understands that further review of the facts or applicable legal principles may lead the government to ~~conclude that different or additional guidelines provisions apply in this case.~~ Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final guideline calculation. Accordingly, the validity of this Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations, and defendant shall not have a right to withdraw her plea on the basis of the Court's rejection of these calculations.

10. Both parties expressly acknowledge that this Agreement is not governed by Fed. R. Crim. P. 11(c)(1)(B), and that errors in applying or interpreting any of the sentencing guidelines may be corrected by either party prior to sentencing. The parties may correct these errors either by stipulation or by a statement to the Probation Office or the Court, setting forth the disagreement regarding the applicable provisions of the guidelines. The validity of this Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw her plea, nor the government the right to vacate this Agreement, on the basis of such corrections.

Agreements Relating to Sentencing

11. Each party is free to recommend whatever sentence it deems appropriate.

12. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw her guilty plea.

13. Defendant agrees to pay the special assessment of \$100 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

Acknowledgments and Waivers Regarding Plea of Guilty

Nature of Agreement

14. This Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 16 CR 403.

15. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States

Attorney's Office for the Northern District of Illinois and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

Waiver of Rights

16. Defendant understands that by pleading guilty she surrenders certain rights, including the following:

a. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charge against her, and if she does, she would have the right to a public and speedy trial.

i. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and her attorney would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not convict her

unless, after hearing all the evidence, it was persuaded of her guilt beyond a reasonable doubt. The jury would have to agree unanimously before it could return a verdict of guilty or not guilty.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and her attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in her own behalf. If the witnesses for defendant would not appear voluntarily, she could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that she could decline to testify, and no inference of guilt could be drawn from her refusal to testify. If defendant desired to do so, she could testify in her own behalf.

b. **Appellate rights.** Defendant further understands she is waiving all appellate issues that might have been available if she had exercised her right to

trial, and may only appeal the validity of this plea of guilty and the sentence imposed. Defendant understands that any appeal must be filed within 14 calendar days of the entry of the judgment of conviction.

17. Defendant understands that by pleading guilty she is waiving all the rights set forth in the prior paragraphs, with the exception of the appellate rights specifically preserved above. Defendant's attorney has explained those rights to her, and the consequences of her waiver of those rights.

Presentence Investigation Report/Post-Sentence Supervision

18. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall fully apprise the District Court and the Probation Office of the nature, scope, and extent of defendant's conduct regarding the charge against her, and related matters. The government will make known all matters in aggravation and mitigation relevant to sentencing.

19. Defendant agrees to truthfully and completely execute a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the Probation Office, and the United States Attorney's Office regarding all details of her financial circumstances, including her recent income tax returns as specified by the probation officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility

pursuant to Guideline § 3E1.1 and enhancement of her sentence for obstruction of justice under Guideline § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001, or as a contempt of the Court.

20. For the purpose of monitoring defendant's compliance with her obligations to pay a fine during any term of supervised release or probation to which defendant is sentenced, defendant further consents to the disclosure by the IRS to the Probation Office and the United States Attorney's Office of defendant's individual income tax returns (together with extensions, correspondence, and other tax information) filed subsequent to defendant's sentencing, to and including the final year of any period of supervised release or probation to which defendant is sentenced. Defendant also agrees that a certified copy of this Agreement shall be sufficient evidence of defendant's request to the IRS to disclose the returns and return information, as provided for in Title 26, United States Code, Section 6103(b).

Other Terms

21. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

22. Defendant understands that, if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

Conclusion

23. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.

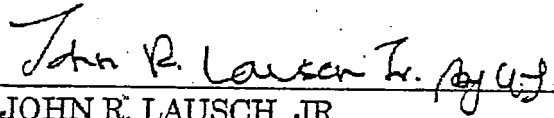
24. Defendant understands that her compliance with each part of this Agreement extends throughout the period of her sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event she violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement of such prosecutions.

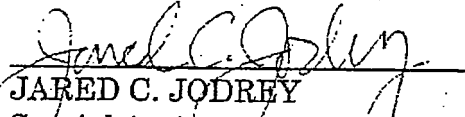
25. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.

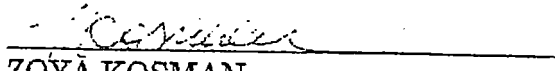
26. Defendant and her attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.


27. Defendant acknowledges that she has read this Agreement and carefully reviewed each provision with her attorney. Defendant further acknowledges that she understands and voluntarily accepts each and every term and condition of this Agreement.

AGREED THIS DATE: April 2, 2018


JOHN R. LAUSCH, JR.
United States Attorney


JARED C. JODREY
Special Assistant U.S. Attorney


ZOYA KOSMAN
Defendant


STEVEN SHANIN
Attorney for Defendant

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL)
REGULATION of the State of Illinois, Complainant)
v.) No. 2016-05486
Zoya Kosman, M.D.)
License No. 036-097367, Respondent)

Notice of Intent to Refuse to Renew

To: ZOYA KOSMAN, M.D.
4057 SUFFIELD CT
SKOKIE, IL 60076

SINCE November 2017, Respondent's Illinois Physician and Surgeon License has been on placed on inactive status. The Department has jurisdiction to investigate complaints and to bring this action pursuant to Illinois Medical Practice Act.

BE NOTIFIED THAT the Department has determined that your license to practice as a Physician and Surgeon in the State of Illinois may be placed on Refuse to Renew status or otherwise disciplined due the following:

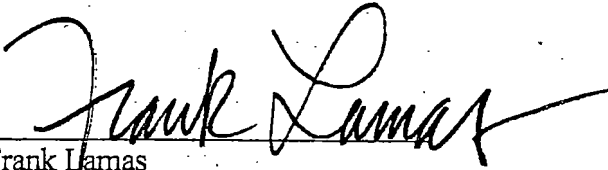
(i) On April 2, 2018, Respondent plead guilty of violation of 42 U.S.C. Section 408(3) (making and causing to be made a false statement and representation of material fact for use in determining the right to a federal benefit) in the Criminal Case No. 16 CR 403 in the United States District Court, Northern District of Illinois, Eastern Division, in violation of Section 60/22 (A)(3) of the Illinois Medical Practice Act. See Department Exhibit A, attached hereto and made a part of this Notice.

YOU ARE FURTHER NOTIFIED that you have the right to request a hearing to address the aforementioned alleged violations of Illinois Medical Practice Act that may result in your Illinois Physician and Surgeon License No. 036-097367 be placed in Refuse to Renew status or otherwise be disciplined.

YOU SHALL HAVE 30 days from the date this notice is mailed to make a written request for a hearing. Failure to request a hearing within 30 days will result in the entry of the Order of Refusal to Renew your Illinois Physician and Surgeon License No. 036-097367. Your request for a hearing should be directed to the Clerk of the Court, Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, 100 W. Randolph St., Suite 9-300, Chicago, IL 60601.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION of the State of
Illinois, Division of Professional Regulation

BY:



Frank Lamas

Chief of Medical Prosecutions

Vladimir Lozovski
Staff Attorney, Medical Prosecutions Unit
Department of Financial and Professional Regulation
Division of Professional Regulation
100 West Randolph, 9-300
Chicago, Illinois 60601
312/814-1691

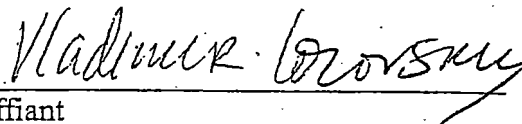
STATE OF ILLINOIS)

)

ss: 2016-05486

COUNTY OF COOK)

UNDER PENALTIES, as provide by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused the attached NOTICE OF INTENT TO REFUSE TO RENEW to be mailed to Respondent by regular mail to her last known address with the Department on the 19th day of April 2018


Affiant

Enforcement Administration Unit
320 W. Washington St. 2nd Floor
Springfield, IL 62702
217-557-9198
FPR.DPREAU@illinois.gov

STATE OF ILLINOIS

)

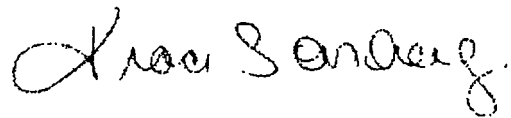
)

ss:

COUNTY OF SANGAMON

)

Under penalties, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused the attached document to be emailed/sent via regular mail pursuant to Department of Professional Regulation Law, 20 ILCS 2105/2015-7, before 5:00 pm CST on the 6th day of July 2018, to person(s) at the address (es) listed on the attached documents.



AFFIANT